

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC L. RENN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 22-368
	)	Judge Nora Barry Fischer
	)	Magistrate Judge Lisa Pupo Lenihan
GATEWAY REHAB of Aliquippa, PA and	)	
JENNIFER DANIELS, LPN,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 7<sup>th</sup> day of June, 2022, after Plaintiff Eric L. Renn was granted in forma pauperis status and his Complaint was filed in this matter, (Docket No. 8), and a Report and Recommendation was filed by United States Magistrate Judge Lisa Pupo Lenihan on May 11, 2022 recommending that Plaintiff's § 1983 claims be dismissed, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as neither Gateway Rehab nor its employee Jennifer Daniels, LPN are state actors subject to suit under § 1983 and that leave to amend would be futile for the same reasons, (Docket No. 12), as well as directing any objections for ECF users to be filed by May 25, 2022 and any objections for non-ECF users be filed by May 31, 2022, and no objections having been filed as of the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Complaint [8] is DISMISSED, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as the allegations in the Complaint are not sufficient to establish a plausible claim that Defendants are subject to suit under § 1983, *see Daniels v. Northwestern Human Serv., et al.*, App. No. 20-1736, 2021 WL 4166285 (3d Cir. 2021);

IT IS FURTHER ORDERED that leave to amend is denied, as any amendment to Plaintiff's Complaint would be futile, *see Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 251 (3d Cir. 2007);

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer  
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Lisa Pupo Lenihan

cc: Eric L. Renn  
Beaver County Jail  
6000 Woodlawn Blvd.  
Aliquippa, PA 15001  
(via first class mail)